

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7589
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030712-1

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AUG 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Russell Alan Parker

Serial No.: 10/722,950

Examiner: Marianne L. Padgett

Filing Date: November 25, 2003

Group Art Unit: 1762

Title: METHODS FOR TREATING AT LEAST ONE MEMBER OF A MICROARRAY STRUCTURE AND
METHODS FOR USING THE SAME

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond
☐ New fee as calculated below ☐ Supplemental Declaration
☐ No additional fee (Address envelope to "Mail Stop Amendments")
☒ Other: (Fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 ST MONTH 120.00 <input type="checkbox"/>	2 ND MONTH 450.00 <input type="checkbox"/>	3 RD MONTH 1020.00 <input type="checkbox"/>	4 TH MONTH 1590.00 <input type="checkbox"/>		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2.5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Russell Alan Parker

By

Edward J. Baba for Dianne Rees
Attorney/Agent for Applicant(s)

Reg. No. 52,581

Date: 08-16-2005

Telephone No. (650) 485-5999

I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on
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Date of facsimile: 08-16-2005

Typed Name: Donna Macado

Signature:

Rev 08/05 (TransAm)

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VIA FACSIMILE
571-273-8300

RESPONSE TO RESTRICTION/ ELECTION REQUIREMENT Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket	10030712-1
	Confirmation No.	9616
	First Named Inventor	Russell Alan Parker
	Application Number	10/722,950
	Filing Date	November 25, 2003
	Group Art Unit	1762
	Examiner Name	Marianne L. Padgett
	Title	Methods for Treating At Least One Member of a Microarray Structure and Methods for Using the Same

Dear Sir:

This communication is responsive to the office communication dated July 19, 2005.

In the above referenced office communication, the Examiner imposed an election of species requirement, requiring the election of one species and one sub-species for further prosecution in this application:

- (A) Deposition (i.e., permanent coating on the gasket),
Subspecies: (i) Laser deposition;
(ii) Oxide form at functionalization
- (B) Etching or extraction,
Subspecies: (i) solvents: (a) aqueous;
(b) organic-polar;
(c) organic-nonpolar
(ii) Oxygen etch;
(iii) Plasma etch (other than oxygen);
- (C) Modifying without necessary addition or subtraction of material to gasket
Subspecies: (i) Texturing;
(ii) Plasma.

The Applicants hereby elect species (C) and subspecies (ii).

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Accordingly, the claims readable on the elected species are Claims 1, 16-18, 25, 26-29, and 53-56.

The Applicants also respectfully urge the Examiner to search all of the groups and species in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct species if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, it is respectfully submitted that the search for the claims of the elected species will likely find any relevant prior art relating to the non-elected species.

Accordingly, little, if any, additional searching should be required for the claims of the non-elected species, and therefore the examination of the claims of the entire invention should impose little, if any, additional burden on the Examiner.

As such, examining all of the species of the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to examine all the species together in the present application.

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The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: August 16, 2005

By: 
Edward J. Baba
Registration No. 52,581

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